

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2010CH1155
	)	HUD No.: 05-10-0059-8
<b>AARON BRYANT</b>	)	ALS NO.: 10-0161
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Robert S. Enriquez, Gregory Simoncini and Marti Baricevic presiding, upon Aaron Bryant's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")<sup>[1]</sup> of Charge No. 2010CH1155; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400; and the Commission being fully advised upon the premises;

NOW, **WHEREFORE**, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following:

1. The Petitioner filed an unperfected charge of discrimination with the Respondent on October 14, 2009, which he perfected on October 26, 2009. The Petitioner alleged the Kankakee Housing Authority ("Housing Authority") failed to rent to him and/or discriminated in making available such a rental because of his race, Black (Count A), and sex, male (Count B), in violation of Section 3-102(A) of the Illinois Human Rights Act ("Act"). On January 29, 2010, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. On March 3, 2010, the Petitioner timely filed this Request.
2. The Housing Authority provides low-income housing to qualified tenants.
3. The Petitioner applied for an apartment with the Housing Authority on December 18, 2006. Due to a shortage of apartments, the Housing Authority placed the Petitioner on a waiting list. The Petitioner was number 172 on the waiting list.

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<sup>[1]</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

4. The Housing Authority periodically mailed updates to the Petitioner regarding his position on the waiting list. On April 11, 2008, the Petitioner reached number 58. On August 1, 2008, the Petitioner moved to number 30. On March 10, 2009, the Petitioner reached number 25.
5. On October 15, 2009, the Housing Authority notified the Petitioner that because he was nearing the top of the list, he needed to meet with the Housing Authority on October 27, 2009. The Housing Authority notified the Petitioner that he was required to bring certain documents to the meeting. However, on October 27<sup>th</sup>, the Petitioner failed to bring several of the required documents.
6. On November 4, 2009, the Housing Authority informed the Petitioner that he would be removed from the Housing Authority's waiting list if he did not provide the required documents by November 12, 2009.
7. The Petitioner did not supply the Housing Authority with the required documents by November 12<sup>th</sup>.
8. The Housing Authority removed the Petitioner from its waiting list on November 16, 2009.
9. In his Request, the Petitioner argues that he was not allowed to attend an interview with the Housing Authority's Executive Director before the Housing Authority removed him from the waiting list. The Petitioner contends the Housing Authority's Public Housing Manager forced Kankakee County to remove him from the County's system as the father of his minor son. Finally, the Petitioner asserts that he has suffered retaliation for filing a complaint against the Kankakee County Clerk's Office.
10. In its Response, the Respondent asks the Commission to sustain the dismissal of the Petitioner's charge for lack of substantial evidence. The Respondent argues the Petitioner was not ready, willing and able to rent an apartment from the Housing Authority; therefore, his *prima facie* case failed. Further, the Housing Authority articulated a legitimate, non-discriminatory reason for not renting an apartment to the Petitioner, and the Respondent found no substantial evidence of pretext.

## **CONCLUSION**

The Commission concludes the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258 (March 7, 1995).

In order to establish a *prima facie* case of housing discrimination, there must be evidence that: **(1)** the Petitioner belongs to a protected class; **(2)** the Housing Authority was aware of the Petitioner's protected class; **(3)** the Petitioner was ready, willing and able to rent the premises; and **(4)** the Housing Authority refused to rent to him. See In re Request for Review of Peggy Buchanan, IHRC, Charge No. 1988CH0129 1991 WL 698583, (September 6, 1991).

The Petitioner's *prima facie* case fails because there is no substantial evidence the Petitioner was ready, willing and able to rent the apartment at the time the apartment became available. The Petitioner failed to provide the Housing Authority with the requested documentation. Further, there is no evidence the Housing Authority harbored any racial or sex/gender-based animus against the Petitioner because the Respondent obtained evidence that the Housing Authority has in fact rented apartments to Black and male tenants.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Kankakee Housing Authority, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Entered this 18<sup>th</sup> day of November 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini